

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Applicant: Megumi ITOH et al.</p> <p>Application No.: 10/598,110</p> <p>Confirmation No.: 1135</p> <p>Filed: August 17, 2006</p> <p>Title: INSTRUMENT PANEL IMAGE DISPLAY DEVICE, INSTRUMENT PANEL IMAGE CHANGING METHOD, VEHICLE, SERVER, INSTRUMENT PANEL IMAGE CHANGING SYSTEM, INSTRUMENT PANEL IMAGE DISPLAY PROGRAM, COMPUTER- READABLE STORAGE MEDIUM STORING INSTRUMENT PANEL IMAGE DISPLAY PROGRAM</p>	<p>Art Unit: 2629</p> <p>Examiner: I. Spar</p>
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APPEAL BRIEF UNDER 35 U.S.C. § 134(a)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal pursuant to 35 U.S.C. § 134(a) from the rejection of claims 22-41 as made in the Final Office Action dated December 7, 2009, as further argued in the Advisory Action dated March 17, 2010, and as affirmed in the Notice of Panel Decision from Pre-Appeal Brief Review dated July 7, 2010.

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REAL PARTY IN INTEREST:

The real party of interest is the assignee, Sharp Kabushiki Kaisha, 22-22, Nagaike-cho, Abeno-ku, Osaka-shi, Osaka 545-8522, Japan.

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RELATED APPEALS AND INTERFERENCES:

Appellant, assignee, and the undersigned attorney or agent of record are not aware of any prior or pending appeals, judicial proceedings or interferences which may be related to, directly affect or be directly affected by or having a bearing on the Board's decision in the pending Appeal.

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STATUS OF CLAIMS:

Claims 1-21 and 42 have been canceled.

Claims 22-41 are pending.

Claims 22-41 are rejected over prior art.

Claims 22-41 have been at least twice rejected and are the subject of this appeal.

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STATUS OF AMENDMENTS:

On March 3, 2010, Appellant filed an After-Final Amendment in response to the Final Office Action dated December 7, 2009 to correct minor grammatical errors in claims 22, 39, and 41. In the Advisory Action mailed on March 17, 2010, the Examiner indicated that the After-Final Amendment had been entered. The claims in the Claims Appendix include the amendment made in the After-Final Amendment.

SUMMARY OF CLAIMED SUBJECT MATTER:

Appellant has provided a concise explanation of the subject matter of independent claims 22, 30, 39, and 40 below, with specific references to the reference characters, the paragraph numbers, and the figure numbers of U.S. Application No. 10/598,110 in brackets. Appellant notes, however, that this specific explanation is only by way of example and is not intended to limit Applicant's claimed invention to the specific preferred embodiments described in the specification.

Claim 22

An instrument panel image display device [reference character 1, shown in Figs. 1, 5, and 7(a)-10(d)], installed on an apparatus [for example, a vehicle, as discussed in paragraph [0052] of the substitute specification] so as to display an instrument panel image [discussed in paragraphs [0050] and [0051] of the substitute specification], said instrument panel image display device comprising:

a display [reference character 2, shown in Figs. 1, and 5, and 7(a)-10(d) and discussed, for example, in paragraph [0050] of the substitute specification] arranged to display the instrument panel image including a plurality of gauge images [shown in Figs. 5-10(d), and discussed, for example, in paragraph [0051] of the substitute specification], by which internal and external information of the apparatus is provided to a user [discussed, for example, in paragraphs [0052] and [0053] of the substitute specification], said instrument panel image is being displayed in accordance with a plurality of image data which generates the plurality of gauge images [discussed, for example, in paragraph [0053] of the substitute specification], wherein each of said plurality of image data individually generates one of said plurality of gauge images [discussed, for example, in paragraphs [0054] and [0055] of the substitute specification]; and

an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image [reference character 10, shown in Fig. 1 and discussed, for example, in paragraphs [0049], [0055], [0056], and [0063]-[0065] of the substitute specification].

Claim 30

An instrument panel image display device [reference character 1, shown in Figs. 1, and 5, and 7(a)-10(d)], installed on an apparatus [for example, a vehicle, as discussed in paragraph [0052] of the substitute specification] so as to display an instrument panel image [discussed in paragraphs [0050] and [0051] of the substitute specification], said instrument panel image display device comprising:

a display [reference character 2, shown in Figs. 1, and 5, and 7(a)-10(d) and discussed, for example, in paragraph [0050] of the substitute specification] arranged to display the instrument panel image including a gauge image [shown in Figs. 5-10(d) and discussed, for example, in paragraph [0051] of the substitute specification], by which internal and external information is provided to a user [discussed, for example, in paragraphs [0052] and [0053] of the substitute specification], and a background image [discussed, for example, in paragraph [0051] of the substitute specification], which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image [discussed, for example, in paragraphs [0061]-[0063] of the substitute specification]; and

an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image [reference character 10, shown in Fig. 1 and discussed, for example, in paragraphs [0049], [0055], [0056], and [0063]-[0065] of the substitute specification].

Claim 39

A method of changing an instrument panel image [discussed in paragraphs [0050] and [0051] of the substitute specification] displayed in an instrument panel image display device [reference character 1, shown in Figs. 1, 5, and 7(a)-10(d)] installed on an apparatus [for example, a vehicle, as discussed in paragraph [0052] of the substitute specification], said method comprising the steps of:

displaying the instrument panel image including a plurality of gauge images [shown in Figs. 5-10(d), and discussed, for example, in paragraph [0051] of the substitute specification], by which the internal and external information of the apparatus is provided to a user [discussed, for example, in paragraphs [0052] and [0053] of the substitute specification], said instrument panel image is being displayed in accordance with a plurality of image data which generates the plurality of gauge images [discussed, for example, in paragraph [0053] of the substitute specification], wherein each of said plurality of image data individually generates one of said plurality of gauge images [discussed, for example, in paragraphs [0054] and [0055] of the substitute specification]; and

changing one of the plurality of image data into another image data, said another image data generating another gauge image [reference character 10, shown in Fig. 1 and discussed, for example, in paragraphs [0049], [0055], [0056], and [0063]-[0065] of the substitute specification].

Claim 40

A method of changing an instrument panel image [discussed in paragraphs [0050] and [0051] of the substitute specification] displayed in an instrument panel image display device [reference character 1, shown in Figs. 1, and 5, and 7(a)-10(d)] installed on an apparatus [for example, a vehicle, as discussed in paragraph [0052] of the substitute specification], said method comprising the steps of:

displaying the instrument panel image including a gauge image [shown in Figs. 5-10(d) and discussed, for example, in paragraph [0051] of the substitute specification], by which internal and external information of the apparatus is provided to a user [discussed, for example, in paragraphs [0052] and [0053] of the substitute specification], and a background image [discussed, for example, in paragraph [0051] of the substitute specification], which serves as a background of the gauge image, in accordance with image data that generates the gauge image and image data that generates the background image [discussed, for example, in paragraphs [0061]-[0063] of the substitute specification]; and

changing the image data which generates said background image into another image data generating another background image [reference character 10, shown in Fig. 1 and discussed, for example, in paragraphs [0049], [0055], [0056], and [0063]-[0065] of the substitute specification].

GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

The Examiner's rejections of claims 22, 23, 27-29, 36-39, and 41 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al. (JP 10-297318), claims 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Hirasuna (JP 11-099852), claims 30-32, 34, 35, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. (U.S. 7,474,309), and further in view of Ui (JP 2000-292198), and claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. and Ui, and further in view of Hirasuna.

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ARGUMENT:

Appellant has grouped claims 22-29, 39, and 41 together so that claims 23-29 and 41 stand or fall with independent claims 22 and 39. Appellant has also grouped claims 30-38 and 40 together so that claims 31-37 stand or fall with independent claims 30 and 40.

Below, Appellant has only specifically argued that independent claims 22, 30, 39, and 40 are improperly rejected. However, dependent claims 23-29, 31-38, and 41 have been improperly rejected for at least the same reasons that independent claims 22, 30, 39, and 40 have been improperly rejected.

Appellant's claim 22 recites:

An instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images; and

an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image. (emphasis added)

Appellant's claim 39 recites features and method steps that are similar to the features recited in Appellant's claim 22, including the above-emphasized features.

Claims 22 and 39 are improperly rejected under

35 U.S.C. § 102(b) as being anticipated by Yahara et al.

In the Final Office Action dated December 7, 2009, the Examiner alleged that Yahara et al. teaches all of the features recited in Appellant's claim 22, including "a display (6) arranged to display the instrument panel image including a plurality of gauge images, by which internal and

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external information of the apparatus is provided to a user, said instrument panel is displayed in accordance with a plurality of image data which generates the plurality of gauge images” and “an image data changing section (22) arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image (see paragraph 24, lines 7-10 and Figure 10 - the down arrow is activated such that it now appears different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color).” The Examiner made similar allegations with respect to Appellant’s claim 39.

Further, in the first paragraph of the Continuation Sheet of the Advisory Action dated March 17, 2010, the Examiner alleged, “[A]s explained in paragraph 41, the HUD image can display simultaneously both a temperature gauge and a speed gauge, as shown in drawing 14.” The Examiner further alleged, “[T]he claim only specifies that a plurality of gauge images are shown on a display, which is taught by Yahara et al.”

Appellant respectfully disagrees with the Examiner’s characterization of the features recited in the Appellant’s claims and with the overly broad interpretation of the teachings of Yahara et al.

Appellant’s claim 22 recites the features of “a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images” and “an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image.” Appellant’s claim 39 recites similar features and method steps.

Yahara et al. does not teach or suggest these features or similar method steps.

Yahara et al. teaches a vehicle with a HUD image 75 that is displayed solely on the head-up display 24 in accordance with a single segment of image data which corresponds to the HUD

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image 75, as discussed in paragraph [0022] of the English language machine translation of Yahara et al. and as shown in Fig. 10 of Yahara et al. Yahara et al. also teaches a menu image, but the menu image of Yahara et al. is displayed on the center cluster display 6 such that it is provided separately from the head-up display 24, as discussed in paragraphs [0014] and [0018] of the English language machine translation of Yahara et al. and as shown in Figs. 1 and 2 of Yahara et al. Accordingly, because the HUD image 75 (as shown in Fig. 10 of Yahara et al.) does not include any part of the menu image, the single piece of the image data which indicates the HUD image 75 is not used in displaying any portion of the menu image. That is, the single piece of the image data that corresponds to the HUD image 75 does not correspond to feature of "one of said plurality of image data" recited in Appellant's claim 22 and similarly recited in Appellant's claim 39.

Paragraph [0024] of the English language machine translation of Yahara et al., on which the Examiner relied upon in the Final Office Action dated December 7, 2009, does not disclose any process of changing any portion of the menu image displayed on the center cluster display 26. Rather, paragraph [0024] of the English language machine translation of Yahara et al. discloses a process of changing image data indicative of a single HUD image 75 displayed on the head-up display 24 into another image data indicative of the single HUD image 75. Paragraph [0044] of Yahara et al. also discusses this relationship. Thus, even though one HUD image 75 is changed into another HUD image 75, no portion of the menu image is changed.

Further, paragraph [0040] of the English language machine translation of Yahara et al. states, "Instrument panel meter PC22 is provided with several different HUD image data, and a user operates the operation switch group 8 and it determines, for example which HUD image data is used. The 2nd HUD image data that displays the HUD picture 82 shown in the 1st HUD image data and drawing 14 that display the HUD picture 75 shown in drawing 10 as HUD image data, for example is prepared." Thus, Yahara et al. clearly teaches that each HUD image is displayed in accordance with a specific independent piece of HUD image data. In other words,

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Yahara et al. does not teach that a single HUD image is displayed using both (1) image data indicative of the image on the left side of Fig. 14 (speed gauge) and (2) other image data indicative of the image on the right side of Fig. 14 ("Steering SW") in the manner as alleged by the Examiner because the left and right side HUDs of Yahara et al. are independently generated.

Appellant's claim 22 presently recites a different arrangement in which a single panel image that displays a plurality of gauge images that are driven by a plurality of independently provided internal and external information sources. Yahara et al. does not teach or suggest such an arrangement. Thus, Yahara et al. clearly does not teach or suggest the feature of "a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images" as recited in Appellant's claim 22 and similarly recited in Appellant's claim 39.

In the first paragraph of the Continuation Sheet of the Advisory Action dated March 17, 2010, the Examiner also alleged, "Yahara et al. teaches that when a user actuates a button to change the temperature, for example, this change is indicated on the display, which inherently means that the display data has been changed." Appellant respectfully disagrees.

However, as discussed above, paragraph [0040] of the English language machine translation of Yahara et al. teaches that each of the HUD images illustrated in Figs. 10 and 14 are displayed in accordance with independent pieces of HUD image data. Therefore, Yahara et al. merely teaches that one piece of HUD image data is replaced with another one piece of HUD image data. However, none of the HUD image data of Yahara et al. is changed in this operation. For example, according to Yahara et al., it is impossible to replace a piece of image data indicative of only the speed gauge in the HUD image with another piece of image data indicative of another speed gauge so that an image of the speed gauge is changed.

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Thus, Yahara et al. clearly does not teach or suggest the feature of “an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image” as recited in Appellant’s claim 22 and similarly recited in Appellant’s claim 39.

The Examiner is reminded that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Because Yahara et al. fails to teach each and every feature recited in Appellant’s claims 22 and 39, Yahara et al. is clearly not valid as an anticipatory reference under 35 U.S.C. § 102(b).

Accordingly, Appellant respectfully requests reversal of the rejection of claims 22 and 39 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al.

The Examiner relied upon Hirasuna to allegedly cure the deficiencies of Yahara et al. However, Hirasuna clearly fails to teach or suggest the features of “a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images” and “an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image” as recited in Appellant’s claim 22 and similarly recited in Appellant’s claim 39. Thus, Appellant respectfully submits that Hirasuna fails to cure the deficiencies of Yahara et al. described above.

Accordingly, Appellant respectfully submits that Yahara et al. and Hirasuna, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements and method steps recited in Appellant’s claims 22 and 39, and thus, any rejection of claims 22 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Hirasuna would also be improper for at least the reasons discussed above.

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Claim 30 recites the features of:

An instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image; and

an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image. (emphasis added)

Appellant's claim 40 recites features and method steps that are similar to the features recited in Appellant's claim 30, including the above-emphasized features.

Claims 30 and 40 are improperly rejected under 35 U.S.C. § 103(a)
as being unpatentable over Yahara et al. in view of
Kolpasky et al., and further in view of Ui

In the Final Office Action dated December 7, 2009, the Examiner alleged that the combination of Yahara et al., Kolpasky et al., and Ui teaches all of the features recited in Appellant's claim 30. More specifically, the Examiner alleged that Yahara et al. teaches "a display (6) arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, in accordance with image data that generates said gauge image (see paragraph 14 - each of the images, i.e. radio, TV, or air conditioning information images, comes from a separate source, i.e. the radio, TV, or air conditioning control module, such that each image is generated by separate image data)" and "an image data changing section (22) arranged to change said image data, which generates said image into another image data, said another image data generating another image (see paragraph 24, lines 7-10 and Figure 10 - the down arrow is activated such that it now appears

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different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color)."

However, the Examiner admitted, "Yahara et al. fails to teach that the image data also includes background image data." To remedy this deficiency in Yahara et al., the Examiner relied upon Kolpasky et al. and Ui, alleging "Kolpasky et al. teaches that the display also displays a background image, which serves as a background of the main image, and that the background image is generated by background image data (see column 4, lines 41-42 and 52-57),"

"Kolpasky [et al.] additionally teaches that the background color can be any of a variety of colors, particularly white, black or shades of gray (see column 4, lines 41 -42)," and "Ui teaches varying the display data depending on the determination as to whether it is day or night (i.e. bright or dark environment), such that the background of the display screen becomes darker (see paragraph 20, lines 4-7 and Figure 4)."

Thus, the Examiner concluded, "It would have been obvious to one of ordinary skill in the art at the time of invention that background image data may need to be adjusted for the ease of use of a display during different times of day, as taught by Ui, such that the background data as taught by Kolpasky et al. can vary between shades of white and black as necessary according to the determination of time of day by the display controller. It further would have been obvious to generate separate gauge image data and background image data such that each portion of the display can be supplied only the appropriate data to generate the desired image (i.e. each gauge data is responsible only for the area of the display that it covers, and the background data fills in any areas that have not been occupied by the gauge images)."

Appellant respectfully disagrees.

Further, in the second paragraph of the Continuation Sheet of the Advisory Action dated March 17, 2010, the Examiner alleged that Kolpasky et al. teaches, "[P]ortions of the display between the gauge images can be changed to indicate information to the user (see column 4,

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lines 52-57). It is therefore clearly taught by Kolpasky [et al.] that the background image can be modified.”

Appellant respectfully disagrees with the Examiner’s characterization of the features recited in the Appellant’s claims and with the overly broad interpretation of the teachings of Yahara et al., Kolpasky et al., and Ui.

Appellant’s claim 30 recites the features of “a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image” and “an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image.” Appellant’s claim 40 recites similar features and method steps.

None of Yahara et al., Kolpasky et al., and Ui teaches or suggests these features or similar method steps.

Yahara et al. teaches a vehicle with a HUD image 75 that is displayed solely on the head-up display 24 in accordance with a single segment of image data which corresponds to the HUD image 75, as discussed in paragraph [0022] of the English language machine translation of Yahara et al. and as shown in Fig. 10 of Yahara et al. However, as discussed above, Yahara et al. does not teach or suggest individual image data that corresponds to a specific gauge image, and the Examiner admitted that Yahara et al. does not teach or suggest a background image.

Thus, Yahara et al. does not teach or suggest the features of “a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image” and “an image data changing section arranged to change

said image data which generates said background image into another image data, said another image data generating another background image” as recited in Appellant’s claim 30 and similarly recited in Appellant’s claim 40.

Kolpasky et al. teaches a display apparatus for a hybrid drive vehicle that includes screen 54 with icons 58A, 58B, and 58C and visual elements 82A, 82B, and 82C, as shown in Figs. 2-5 and discussed in column 4, lines 12-42 of Kolpasky et al. However, column 4, lines 41 and 42 of Kolpasky et al. state that the screen 54 displays a uniform background 74. This uniform background is necessary so that all of the icons 58A, 58B, and 58C and visual elements 82A, 82B, and 82C can be clearly distinguished. There is no teaching or suggestion anywhere in Kolpasky et al. of changing the background 74. Further, Kolpasky et al. does not discuss individual image data that corresponds to a specific gauge image.

As was previously stated, in the Advisory Action mailed on March 17, 2010, the Examiner alleged, “[P]ortions of the display between the gauge images can be changed to indicate information to the user (see column 4, lines 52-57) [and thus i]t is therefore clearly taught by Kolpasky [et al.] that the background image can be modified.”

However, contrary to the Examiner’s allegations, Kolpasky et al. merely teaches that a visible state (i.e. color) of a displayed image is changed. Kolpasky et al. does not teach or suggest anything at all about underlying data that is used to generate the background image being changed in any way, nor does Kolpasky et al. teach or suggest any data processing procedures used to change the state of the displayed background image of Kolpasky et al. Additionally, Kolpasky et al. does not teach or suggest that an instrument panel image containing gauge images and a background image is displayed in accordance with individual image data that is specifically indicative of individual gauge images and other individual image data indicative of the background image. Finally, Kolpasky et al. fails to teach or suggest the technical idea of carrying out a process for changing the image data indicative of a background image to another image data.

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Thus, Kolpasky et al. clearly fails to teach or suggest the features of “a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image” and “an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image” as recited in Appellant’s claim 30 and similarly recited in Appellant’s claim 40.

Ui merely teaches changing the color spectrum of a display depending on whether it is day or night. Ui does not teach or suggest the image data associated with a background image is replaced with different image data. All that Ui teaches is that the same input background data will be displayed using different colors depending on the time of day. Ui also fails to teach or suggest anything about individual image data that corresponds to a specific gauge image.

Thus, Ui clearly fails to teach or suggest the features of “a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image” and “an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image” as recited in Appellant’s claim 30 and similarly recited in Appellant’s claim 40.

Therefore, the Examiner has failed to establish a *prima facie* case of obviousness of the claimed invention because all the claim features must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) and MPEP § 706.02(j) and § 2143.03.

Because Yahara et al., Kolpasky et al., and Ui, applied alone or in combination, fail to teach the features recited in Appellant’s claims 30 and 40, it is clearly improper to reject

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Applicant's claims 30 and 40 under 35 U.S.C. § 103(a) using the combination of Yahara et al., Kolpasky et al., and Ui.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 30 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al., Kolpasky et al., and Ui.

The Examiner relied upon Hirasuna to allegedly cure the deficiencies of Yahara et al., Kolpasky et al., and Ui. However, Hirasuna clearly fails to teach or suggest the features of "a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image" and "an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image" as recited in Appellant's claims 30 and similarly recited in Appellant's claim 40. Thus, Appellant respectfully submits that Hirasuna fails to cure the deficiencies of Yahara et al., Kolpasky et al., and Ui described above.

Accordingly, Appellant respectfully submits that Yahara et al., Kolpasky et al., Ui, and Hirasuna, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements and method steps recited in Appellant's claim 30 and 40, and thus, any rejection of claims 30 and 40 under 35 U.S.C. § 103(a) as being unpatentable over that Yahara et al., Kolpasky et al., Ui, and Hirasuna would also be improper for at least the reasons discussed above.

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Conclusion

Accordingly, Appellant respectfully submits that the rejections of claims 22, 23, 27-29, 36-39, and 41 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al., claims 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Hirasuna, claims 30-32, 34, 35, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al., and further in view of Ui, and claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. and Ui, and further in view of Hirasuna should be reversed, and that claims 22-41 are allowable.

Respectfully submitted,

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CLAIMS APPENDIX:

Claims 1-21 (canceled).

Claim 22 (previously presented): An instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images; and

an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image.

Claim 23 (previously presented): The instrument panel image display device as set forth in claim 22, further comprising a parameter changing section arranged to change a value indicated by a parameter which defines a display state of the gauge image into another value.

Claim 24 (previously presented): The instrument panel image display device as set forth in claim 23, further comprising a parameter judging section arranged to judge whether the value indicated by the parameter is within a predetermined range or not.

Claim 25 (previously presented): The instrument panel image display device as set forth in claim 24, wherein, when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section changes the value indicated by the parameter into a value within the predetermined range.

Claim 26 (previously presented): The instrument panel image display device as set forth in claim 25, wherein the parameter changing section changes the value indicated by the parameter into a value closest to a set value within the predetermined range.

Claim 27 (previously presented): The instrument panel image display device as set forth in claim 23, wherein the parameter defines at least a size and a color of the gauge image.

Claim 28 (previously presented): The instrument panel image display device as set forth in claim 22, further comprising an image data obtaining section arranged to obtain image data, which generates said another gauge image, via a network line, from a server having a storage section which stores the image data.

Claim 29 (previously presented): The instrument panel image display device as set forth in claim 23, wherein the apparatus is a vehicle, and the instrument panel image includes at least a speedometer image indicative of a running speed of the vehicle as the gauge image, and the parameter changing section changes the parameter so that the speedometer image is displayed in front of a driver or in a predetermined position in a visual field of the driver.

Claim 30 (previously presented): An instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates said gauge image and image data that generates the background image; and

an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image.

Claim 31 (previously presented): The instrument panel image display device as set forth in claim 30, further comprising a parameter changing section arranged to change a value

indicated by a parameter that defines a display state of the background image into another value.

Claim 32 (previously presented): The instrument panel image display device as set forth in claim 31, further comprising a parameter judging section arranged to judge whether the value indicated by the parameter is within a predetermined range or not.

Claim 33 (previously presented): The instrument panel image display device as set forth in claim 32, wherein, when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section changes the value indicated by the parameter into a value within the predetermined range.

Claim 34 (previously presented): The instrument panel image display device as set forth in claim 31, wherein the parameter defines at least one of a color or a luminance of the background image.

Claim 35 (previously presented): The instrument panel image display device as set forth in claim 31, wherein the parameter changing section changes a parameter of at least either the gauge image or the background image so that a periphery of the gauge image is bordered.

Claim 36 (previously presented): A server, providing the image data that generates said another gauge image to the instrument panel image display device as set forth in claim 28.

Claim 37 (previously presented): An instrument panel image changing system, comprising the instrument panel image display device as set forth in claim 28 and a server for providing the image data that generates said another gauge image to the instrument panel image display device.

Claim 38 (previously presented): A vehicle, comprising the instrument panel image display device as set forth in claim 22.

Claim 39 (previously presented): A method of changing an instrument panel image displayed in an instrument panel image display device installed on an apparatus, said method comprising the steps of:

displaying the instrument panel image including a plurality of gauge images, by which the internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images; and

changing one of the plurality of image data into another image data, said another image data generating another gauge image.

Claim 40 (previously presented): A method of changing an instrument panel image displayed in an instrument panel image display device installed on an apparatus, said method comprising the steps of:

displaying the instrument panel image including a gauge image, by which internal and external information of the apparatus is provided to a user, and a background image, which serves as a background of the gauge image, in accordance with image data that generates the gauge image and image data that generates the background image; and

changing the image data which generates said background image into another image data generating another background image.

Claim 41 (previously presented): A computer-readable storage medium, storing an instrument panel image display program, causing the instrument panel image display device as set forth in claim 22 to operate, said instrument panel image display program being characterized by causing a computer to perform the following steps:

displaying the instrument panel image including a plurality of gauge images, by which the internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates said

gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images; and

changing one of the plurality of image data into another image data, said another image data generating another gauge image.

Claim 42 (canceled).

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EVIDENCE APPENDIX:

None.

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RELATED PROCEEDINGS APPENDIX:

None.